

12/13/01

JC962 U.S. PTO

12-20-01

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Approved for use through 10/31/2002 OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

First Inventor

Michael Fitzpatrick

Title Food Products Containing Whole Chia Seed or a Gluten-free
Agglutinant Derived Therefrom and Methods of Making Same

Express Mail Label No. ET304921325US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 C.F.R. 1.27.
3. ☒ Specification [Total Pages 121]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages 2]
- a. ☒ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
- b. ☐ (for continuation/divisional with Box 17 completed)
- ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CI in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- ☐ CD-ROM or CI (2 copies), or
 - ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Other: Supplemental Declaration for
Utility or Design Patent Appn

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No. 09/745,924

Prior application information:

Examiner Philip DuBois

Group / Art Unit 1761

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under
Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18 CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Labelor ☒ Correspondence address below

Name	Michael Fitzpatrick				
Address	328 Fenimore Avenue				
	PO Box 178				
City	Uniondale	State	NY	Zip Code	11553-0178
Country	US	Telephone	(516) 564-4752	Fax	(516) 538-1239

Name (Print/Type)

Michael Fitzpatrick

Registration No. (Attorney/Agent)

Signature

Michael Fitzpatrick

Date 12-13-2001

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
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FEE TRANSMITTAL for FY 2001

Patent fees are *subject to* annual revision

TOTAL AMOUNT OF PAYMENT (\$) 370

Complete if Known

Application Number	
Filing Date	12-13-2001
First Named Inventor	Michael Fitzpatrick
Examiner Name	
Group Art Unit	
Attorney Docket No.	

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number

Deposit Account Name

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee	Fee	Fee	Fee	Description	Fee Paid
Code (\$)	Code (\$)						
101	710	201	355			Utility filing fee	370
106	320	206	160			Design filing fee	
107	490	207	245			Plant filing fee	
108	710	208	355			Reissue filing fee	
114	150	214	75			Provisional filing fee	

SUBTOTAL (1) (\$) 370

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20	-20" = 0	X	0
3	-3- = 0	X	0
Multiple Dependent			0

Large Entity Small Entity

Fee	Fee	Fee	Fee	Fee Description
Code (\$)	Code (\$)			
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	* Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

* or number previously paid, is greater, For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee	Fee	Fee	Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)				
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Michael Fitzpatrick	Registration No. (Attorney/Agent)		Telephone	(516) 564-4752
Signature	<i>Michael Fitzpatrick</i>	Date	12-13-2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label No. ET304921325US

Date of Deposit: December 13, 2001

I hereby certify that the following documents:

1. Utility Patent Application Transmittal
2. Request Not to Publish Under 35 USC 122.
3. Regular Patent Application of Michael Fitzpatrick for Food Products Containing Whole Chia Seed or a Gluten-free Agglutinant Derived Therefrom and Methods of Making Same (121 pages: 116 pages of Specification, 4 pages of Claims, 1 page of Abstract).
4. 4 sheets of drawings.
5. Statement Claiming Small Entity Status (37 C.F.R. 1.9(f) and 1.27(b)--Independent Inventor) (1 page)
6. Information Disclosure Statement (2 pages) and 2 pages of Form PTO-1449.
7. Declaration for Utility or Design Patent Application Using an Application Data Sheet (1 page)
8. Application Data Sheet (1 page)
9. Declaration for Utility or Design Patent Application (2 pages)
10. Supplemental Declaration for Utility or Design Patent Application (1 page)
11. Fee Transmittal for FY 2001 Form (1 page - 2 copies)
12. Check #5781 in the amount of \$370 payable to Commissioner of Patents and Trademarks
13. Receipt postcard

are being deposited in a single envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and that such envelope is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Michael Fitzpatrick
(Name of person mailing documents)

Michael Fitzpatrick
(Signature of person mailing documents)

In the United States Patent and Trademark Office

Serial Number: To be assigned

Filing Date: 2001-12-13

Applicant: Fitzpatrick, Michael

Appn. Title: Food Products Containing Whole Chia Seed or a Gluten-free Agglutinant Derived Therefrom and Methods of Making Same

GAU: 1761

Mailed: 2001 December 13
At: Uniondale, N.Y. 11553

REQUEST NOT TO PUBLISH UNDER 35 USC 122

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

Applicant requests that the above identified application not be published as provided in paragraph (1) of 35 USC 122. Applicant hereby certifies that the invention disclosed in the above identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

Applicant declares that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Very respectfully,

Michael Fitzpatrick

Michael Fitzpatrick
Applicant Pro Se

328 Fenimore Avenue, P.O. Box 178
Uniondale, New York 11553
(516) 564-4752 (home)